

# REGISTRATION OF REAL ESTATE PRELICENSE EDUCATION SCHOOL

## Instructions and Application

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A school shall not offer courses for the fulfillment of the educational requirement for a real estate license unless it first registers with the Real Estate Commission ("Commission") **at least ninety days prior to the opening date of the school.**

**Each registration will expire on December 31 of every even-numbered year.** Your registration automatically expires on December 31 of every even-numbered year unless you reregister by December 31. You must reregister biennially. Although you are responsible for reregistration, reregistration forms will be mailed to you, as a courtesy. If you do not receive the courtesy reregistration forms at least 30 days prior to the expiration date, contact the Real Estate Branch immediately.

APPLICATION FOR REGISTRATION. Submit all of the following:

- . A completed application form. Reregistration applications must update any changes which may have occurred in policies, procedures, personnel, advertising or promotional materials, course curriculum or offerings.
- . A surety bond or certificate of insurance from your insurance company or alternative form of security as permitted by Hawaii Administrative Rules (HAR) §16-99-53.1. If you are renewing your registration, the surety bond or certificate of insurance must renew or extend your surety bonding for your current and anticipated enrollment (see requirements in HAR §16-99-53 (8)).
- . A Student Disclosure Notice and Policy Statement.
- . A school brochure or catalogue containing all required information (see HAR §16-99-67); include a copy of all advertising materials (written, audio, tele-communication copy, etc.).
- . Copies of all forms for enrollment, registration, contracts, certificates, attendance and evaluation.
- . Certificates of clearance for each classroom from the county building department, the county fire department, and the state department of health.
- . A current Certification of Administrator, signed Statement of Ethical Teaching Practices and Consent forms.
- . Current tuberculosis clearances for Principal and Administrator. Schools must have a current TB clearance on file for each instructor.
- . Only complete applications will be reviewed and considered by the Commission. Incomplete applications will not be considered. Please allow 45 days for processing.

**UNTIL RECEIPT OF WRITTEN NOTIFICATION OF APPROVAL FROM THE REAL ESTATE COMMISSION, NO SCHOOL SHALL ADVERTISE, ACCEPT APPLICATIONS OR TUITION FEES FROM PROSPECTIVE STUDENTS, OR HOLD CLASSES.**

## Instructions for "Yes" Answers on Section 12 of the Application for Real Estate Prelicense Education School Registration

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- A. The following documents must be provided at the time you apply for registration. Applications will not be considered without this material.**

Question a1)

If you have applied for, been granted, or held a real estate license in Hawaii or any other jurisdiction, list the jurisdiction, license type, and license number in the space provided. Attach a separate page if more space is required.

Questions a2, a3, a4, and a5)

These questions refer to complaints, charges of unlicensed activity, or pending disciplinary actions for any profession, occupation, or license, both real estate and those other than real estate. If your answer is "yes" to one or more of these questions, read paragraph B below, and you must submit the following:

- i. A statement by you explaining the circumstances;
- ii. Copies of any documents from the agency, including final orders, petitions, findings of fact and conclusions of law, and any other relevant documents;
- iii. A resume of any employment, business activities, and education since the date of the action; and,
- iv. You may also include statements from employers, business associates, clients, and others who can attest to your reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing.

Question b)

If your application indicates a criminal conviction, read paragraph B below, and you must submit the following:

- i. A statement by you explaining the circumstances leading to the conviction and detailing all activities since the conviction, including employment and business involvements. Include job title, period of employment, employer's name, description of duties, training attended, and educational courses attended;
- ii. A copy of the court order, verdict, and terms of sentence;
- iii. If applicable, a copy of the terms of probation and/or parole and a statement from your probation or parole officer as to your reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing; and,
- iv. Statements from employers, business associates, clients, and others who can attest to your business dealings since the conviction, including a statement as to your reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing.

Question c)

If you have any pending lawsuits, unpaid judgments, outstanding tax obligation, or any other type of involuntary liens against you, read paragraph B below, and you must submit the following:

- i. A statement by you explaining the circumstances and current status, and if no payment of payment arrangement has been made, the reason;
- ii. A resume of employment and business activities; and,
- iii. Copies of the court complaint, judgment, documentation of payment arrangements, lien documents, records of any payments, and other relevant documents.

- B. If your answer to questions a2), a3), a4), a5), b), or c) is "yes", your application will be reviewed at a monthly Real Estate Commission meeting if you have provided all applicable information and documents as described above. The Commission will not review incomplete applications. If you wish to present oral testimony at the meeting, submit a written request with your application. A courtesy notice with information on the date, time, and location of the meeting will be sent to you.**

## Real Estate Prelicense Education School Registration Schedule of Fees

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### **Initial real estate school registration**

Attach two (2) separate payments:

- |    |  |       |
|----|--|-------|
| 1. | Application fee (nonrefundable)  | \$50  |
| 2. | a. Registration fee (\$750 for <b>both</b> a broker & salesperson school + \$90 Compliance Resolution Fund)    | \$840 |
|    | - OR -   |       |
|    | b. Registration fee (\$500 for <b>either</b> a broker or salesperson school + \$90 Compliance Resolution Fund) | \$590 |

**Note:** Registration fee refundable if registration denied. If application submitted in the second year of a biennium, submit \$45 Compliance Resolution Fund fee.

### **Additional real estate school registration**

Attach two (2) separate payments:

- |    |  |       |
|----|--|-------|
| 1. | Application fee (nonrefundable)  | \$50  |
| 2. | Registration fee (\$250 to add a real estate broker or salesperson school) | \$250 |

**Note:** Registration fee refundable if registration denied.

**ATTACH TWO (2) CASHIER'S CHECKS OR MONEY ORDERS FOR THE AMOUNTS PAYABLE TO "COMMERCE  
AND CONSUMER AFFAIRS"**

**NOTE:** The application fee and the posting of a bond pursuant to this application shall not be required of a school that is an accredited State of Hawaii institution of higher education listed with the United States Department of Education as an accredited institution of higher learning. HAR §16-99-99(26)(b).

**REAL ESTATE COMMISSION**  
**State of Hawaii**  
**Professional and Vocational Licensing Division**  
**Department of Commerce and Consumer Affairs**  
**250 South King Street, Suite 702**  
**Honolulu, Hawaii 96813**

**APPLICATION FOR REAL ESTATE  
PRELICENSE EDUCATION SCHOOL REGISTRATION**

1.	School's Name:		
2.	Business Address:		
3.	Classroom Location:		
4.	Business Telephone:		
5.	School Principal:		
6.	Principal's Home Address:	7.	Principal's Home Telephone:

8. **Indicate the curriculum for which you are applying:**

\_\_\_\_\_ Salesperson curriculum  
\_\_\_\_\_ Broker curriculum  
\_\_\_\_\_ Home Study Program (see attachment)

9. **Provide the following documents:**

- a. Surety Bond (see attachment)
- b. Certificates of clearance required for each classroom location:
  - ( ) County Building Department--includes maximum occupant load
  - ( ) Department of Health
  - ( ) County Fire Department

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For	App	\$50	587	App	\$50	587
Cashier's Use	Regis	\$500/\$750	587	Add'l	\$250	587
Only	CRF	\$90/\$45	C13			
	Srvc Fee	\$15.00	BCF			

- c. Course content outline, description and curriculum objectives in student performance terms (see attachment)
- d. School catalogue or brochure that includes a statement of School Policies and Student Disclosure Statement (see attachment)
- e. Schedule of fees, tuition and all charges to be made (including any advanced deposit charged per student) and a statement of refund policies and procedures
- f. Statement of advertising content and media to be used
- g. Student Registration and Enrollment forms
  - ( ) Student Contract or School/Student agreement
  - ( ) Attendance Record, Student Record, or other methods of recording class attendance
  - ( ) Diploma or certification of course completion
- h. Anticipated Course Schedule for the first year, tuition to be charged for each course, and number of anticipated students (see Real Estate Commission Prelicensing Course Log form)
- i. Certification of Principal of Private Trade, Vocational or Technical School form
- j. Statement of Ethical Teaching Practices form for the School Principal and **each** instructor (including Guest Lecturers)
- k. Consent form

10. **School Ownership.**

- Form of ownership:**
- ( ) Corporation
  - ( ) Partnership
  - ( ) Sole Proprietorship
  - ( ) Limited Liability Company (LLC)
  - ( ) Limited Liability Partnership (LLP)
  - ( ) Accredited institution of higher learning (college, university)

- Corporation:**
- a. List names and mailing addresses of all persons who own 5% or more of the corporate stock:

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- b. Submit a "Certificate of Good Standing" issued by the Business Registration Division, Dept. of Commerce and Consumer Affairs, 1010 Richards Street, Honolulu, Hawaii, Phone: 586-2727. A "file-stamped" copy of the articles of incorporation dated within the last 6 months may be submitted for the "Certificate of Good Standing".

**Partnership:**

- a. List names and mailing addresses of each partner:

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- b. Submit a "Certificate of Good Standing" issued by the Business Registration Division - see "**Corporation**" documents stated above.

**Sole Proprietor:**

List name and mailing address: \_\_\_\_\_

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**LLC:**

- a. List names and mailing addresses of each member:

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- b. Submit a "Certificate of Good Standing" from the Business Registration Division - See "**Corporation**" stated above.

**LLP:**

- a. List names and mailing addresses of each partner :

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- b. Submit a "Certificate of Good Standing" from the Business Registration Division - See "**Corporation**" stated above.

11. List Certified Instructors (if certification is pending, attach copy of Instructor Application):

Instructor	Certification

12. CIRCLE ANSWER TO ALL QUESTIONS. An unanswered question is an incomplete application. Questions refer to all of the following: the applicant (entity), partner, officer, director of a corporation and to the principal of the school.

- a. 1) Have you ever applied for, been granted, or held a real estate license in Hawaii or any other state? YES NO
- If yes, what state, license type, and license number? \_\_\_\_\_
- 2) Has an application for license or a real estate license ever been denied, suspended, fined, involuntarily terminated, revoked, or otherwise subject to disciplinary action? YES NO
- 3) Have any complaints or charges ever been filed against you, regardless of outcome, with the licensing agency of any state? YES NO
- 4) Have any charges of unlicensed activity ever been filed against you, regardless of outcome, with the licensing agency of any state? YES NO
- 5) Are there any pending disciplinary actions against you? YES NO
- b. During the past 20 years have you ever been convicted of a crime where there has not been an order annulling or expunging the conviction? YES NO
- c. Are there any pending lawsuits, unpaid judgments, outstanding tax obligations, or any other type of involuntary liens against you? YES NO
- d. Are you LESS than 18 years of age? YES NO
- e. Are you an alien without authorization to work in the United States? YES NO

Explain all "Yes" responses on a separate sheet with detailed information and submit supporting documents (see instruction sheet for documents to be submitted). Any "Yes" answers to the questions in Section 12 of the application will require review by the Real Estate Commission before a decision is made regarding registration.

#### CERTIFICATION OF APPLICANT:

I hereby certify that the statements and answers on this application and accompanying document(s) are true and correct. I understand that any statement false or untrue, or any material misstatement of fact shall constitute grounds for refusal or subsequent revocation.

\_\_\_\_\_  
Signature of officer/partner/sole proprietor

\_\_\_\_\_  
Print Name and Title

## CERTIFICATION OF PRINCIPAL OF PRIVATE TRADE, VOCATIONAL OR TECHNICAL SCHOOL

I, \_\_\_\_\_, whose residence address is  
\_\_\_\_\_, certify that I have the necessary  
requirements to act in the capacity of principal of \_\_\_\_\_.

I shall be responsible for the following:

- a. Compliance with the Real Estate Commission's ("Commission") rules relating to real estate prelicensing schools.
- b. Providing reports and information as may be required by the Commission.
- c. Informing the Commission of changes in real estate school policies, programs, personnel, facilities, fees, calendar, and all other matters changing the status of the prelicensing real estate school as originally registered.
- d. Advertising by the prelicensing real estate school.
- e. Directing and supervising the staff and instructors of the prelicensing real estate school.
- f. Assuring that the room in which each course is given complies with county building department, county fire department and state health department requirements at the time the course is given.

The above statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith. My qualifications to serve as principal are confirmed by the owner of the prelicensing real estate school or an authorized agent of the prelicensing real estate school.

\_\_\_\_\_  
Principal's Signature

Confirmed:

\_\_\_\_\_  
Owner or Agent's Signature



# STATEMENT OF ETHICAL TEACHING PRACTICES

## Prelicensing Education Instructor

I, \_\_\_\_\_, as a prelicensing education instructor for \_\_\_\_\_, do hereby promise, attest to, and affirm that I shall adhere to the highest standards of ethical practices in the performance of my instructional duties including but not limited to:

1. Teaching only course subjects, the command knowledge of which I have acquired either by training, experience or education or by combinations thereof;
2. Taking all reasonable steps to update the prelicensing education course materials and information;
3. Giving out, to the best of my knowledge and belief, current and accurate course information and materials;
4. Conducting fair and reasonable discussions, presenting alternative viewpoints, and identifying clearly an instructor's opinion of any controversial course issues within the time allotted to the topic;
5. Advising students that each should research and update any course information and materials prior to using the course information and materials in the practice of real estate;
6. Taking reasonable steps to prevent the unlicensed, unauthorized and unintended practice of any licensed profession, for example, the unlicensed practice of giving legal, accounting, or tax advise;
7. Using reasonable efforts to keep current with the state of the art teaching techniques and skills as it relates to the teaching of prelicensing education to adult learners;
8. Informing students prior to the start of class what the students can expect to learn from the course;
9. Taking reasonable steps to evaluate whether indeed the students have learned what I taught;
10. Refraining from limiting course instructions to exclusively train students to pass the licensing exam;
11. Obtaining appropriate consents and permissions before using copyrighted or patented instructional materials, products or presentations;
12. Taking reasonable steps to maintain appropriate classroom decorum and language conducive to academic learning, inquiry and research;

13. Refraining from active solicitation and advertising for, during any scheduled prelicensing education class, other businesses and products which the instructor owns or has any direct or indirect interest in; "active solicitation and advertising for" excludes a business, professional or product presentation to students listing the instructor's expertise, work experience, publications, and affiliations as part of an introductory resume;
14. Performing diligently all other duties and responsibilities required of a prelicensing education instructor as set forth in Hawaii Revised Statutes, Chapter 467 and Commission rules embodied in Hawaii Administrative Rules, Chapter 99, "Real Estate Brokers and Salespersons."

As a prelicensing education instructor, I acknowledge that failure to conform to the standards, duties and responsibilities enumerated and referred to above may be grounds for loss of certification as an instructor.

As the administrator of the prelicensing education school named above, I acknowledge and agree that my omission of, intentional or negligent conduct and acts which aid and abet the prelicensing education instructor signing below to perform otherwise as the instructor has promised, attested to and affirm, and adhere to but not limited to herein, may be grounds for loss of the prelicensing real estate school's registration.

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Instructor-Applciant's Signature

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Administrator's Signature

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Print Name

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Real Estate School

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Date

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Date

REAL ESTATE COMMISSION PRELICENSING COURSE LOG

SCHOOL: \_\_\_\_\_

SCHOOL CODE: \_\_\_\_\_

Any changes/cancellations must be reported in writing to the Commission immediately.

FIRST CLASS DATE	LAST CLASS DATE	BROKER (B) SALES (S)	EVENING(E) DAY (D)	EXPECTED ENROLLMENT	PHYSICAL ADDRESS (St. Address, Bldg., Room no.)	CITY	ISLAND	INSTRUCTOR

PRINCIPAL'S NAME: \_\_\_\_\_

PRINCIPAL'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

BondNo. \_\_\_\_\_

**STATE OF HAWAII**

**BOND**

**PRELICENSE REAL ESTATE SCHOOL AND CONTINUING EDUCATION PROVIDER**

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, \_\_\_\_\_  
of the County of \_\_\_\_\_, State of Hawaii, as Principal, and  
\_\_\_\_\_, as Surety, are held and firmly bound unto the State of Hawaii,  
in the full and just sum of \_\_\_\_\_ (\$\_\_\_\_\_) lawful  
money of the United States of America, for the just and full payment of which we hereby jointly and  
severally bind ourselves, and our respective heirs, executors and administrators, and successors.

THE CONDITION OF THIS OBLIGATION IS SUCH, that

WHEREAS, the Principal desires to obtain, or to renew, a certificate or certificates of registration  
to offer real estate prelicense courses, or real estate continuing education courses, or both, under and  
pursuant to Section 467-25.5, Hawaii Revised Statutes, and to the provisions of Chapter 99, Title 16,  
Hawaii Administrative Rules, appertaining thereto;

NOW, THEREFORE, if such certificate or certificates shall be issued and if the above bounden  
Principal shall fully and faithfully comply with the provisions of the statute hereinabove mentioned and the  
Rules of the Real Estate Commission, Department of Commerce and Consumer Affairs, then this  
obligation shall be void, otherwise, it shall be and remain in full force and effect;

AND every person suffering loss or damage because of failure of the Principal to fully and  
faithfully comply with said statute or said Rules or because of failure of the Principal to fully and faithfully  
provide instruction and training as represented by said Principal or required by said statute or Rules, may  
sue the Surety for the recovery of any loss or damage and for the proportionate recovery of tuition, fees  
and other charges paid in advance as provided in said statute or Rules.

IT IS HEREBY stipulated and agreed that suit on this bond may be brought before a court of competent jurisdiction without a jury.

AND, this bond shall remain in full force and effect and shall run concurrently with the respective certificate period or periods and for any renewals thereof, unless terminated, cancelled, or not renewed by the Surety. Such termination, cancellation, or non-renewal shall not be effective, however, unless written notice thereof is delivered by the Surety to the Department of Commerce and Consumer Affairs at least thirty (30) days prior to the date of termination, cancellation, or non-renewal.

IN WITNESS WHEREOF, we the said Principal and the said Surety, have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Surety

## CONSENT

The Real Estate Commission may use the following methods to evaluate the prelicense education / continuing education programs and to monitor compliance with prelicense education / continuing education rules.

1. Evaluations. The Commission may require that participant evaluation forms, provided by the Commission, be distributed to participants for purposes of evaluating the school / provider, instructor, and course. Schools / Providers will be responsible for obtaining, distributing, collecting, and returning the forms.
2. Drop-In Monitoring. Representatives of the Commission may attend courses on a drop-in basis. They will not register and no fees or reimbursements will be involved.
3. Investigative Monitoring. Representatives of the Commission may attend courses as a regular participant for the purpose of determining if the courses are being presented under statute, regulation, and Commission requirements. These representatives will not identify themselves as Commission representatives and will pay the required fees.
4. The Commission may, from time to time, request information regarding course offerings, attendance, examinations, and record keeping.

The undersigned acknowledges receipt and understanding of the procedures outlined above which relate to all approved prelicense education / continuing education course offerings.

I consent to inspection or monitoring by representatives of the Real Estate Commission. I agree to report any material changes, including addition of or substitution of instructors in the information submitted at least 30 days prior to proposed use. I agree to retain complete records for at least three years from the date of each course offering.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

